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7 JIAJIE ZHU,
8 Plaintiff,
9 v.
10 JING LI, et al.,
11 Defendants.

Case No. 19-cv-02534-JSW (TSH)

DISCOVERY ORDER

Re: Dkt. Nos. 247, 250

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13 The Court held a hearing on August 4, 2023 concerning the discovery letter briefs at ECF
14 Nos. 247 and 250 in which Plaintiffs and Judgment Creditors move to compel on certain
15 interrogatories (“rogs”) and requests for production (“RFPs”) they propounded as part of their
16 judgment debtor discovery. The Court now issues this order.

17 **A. Rule 62 Issue**

18 Defendants and Judgment Debtors argue that judgment debtor discovery is premature
19 because the Amended Judgment was issued on August 16, 2023 (ECF No. 253), and Federal Rule
20 of Civil Procedure 62(a) states that “[e]xcept as provided in Rule 62(c) and (d), execution on a
21 judgment and proceedings to enforce it are stayed for 30 days after its entry, unless the court
22 orders otherwise.” However, the Court disagrees. Judgment debtor discovery is neither the
23 execution of a judgment nor a proceeding to enforce it. Rather, it is a process to obtain
24 information or documents that may be useful when it comes time for the judgment creditor to
25 execute or enforce the judgment. In the words of Rule 69(a)(2), judgment debtor discovery is
26 “[i]n aid of the judgment or execution” (emphasis added); it is not the execution or enforcement
27 itself. By contrast, “[a] money judgment” – which is what the Plaintiffs have here – “is enforced
28 by a writ of execution,” (Rule 69(a)(1)), which is not what judgment debtor discovery is.

1 Accordingly, a litigant “may obtain discovery pursuant to Rule 69(a)(2) once judgment has been
2 entered,” *Parallel Iron LLC v. NetApp, Inc.*, 84 F. Supp. 3d 352, 362 (D. Del. 2015), which has
3 happened here.

4 **B. RFPs and Rogs**

5 For most of the discovery at issue, subject to the Rule 62 argument just discussed,
6 Defendants agreed to produce the requested information and documents, and at the hearing they
7 stated they could do so within 30 days. Accordingly, the Court **GRANTS** Plaintiffs’ motion to
8 compel as to rogs 1, 11, 15, 16, 17, 19, 21 and 24 and RFPs 1, 2, 5, 8, 14, 21, 25, 27, 28 and
9 **ORDERS** Defendants to produce the requested information and documents within 30 days.

10 As discussed at the hearing, the Court **ORDERS** the parties to file a joint discovery letter
11 brief no later than August 31, 2023 concerning rog 7 and RFPs 22, 6 and 23. Having considered
12 the issue further since the hearing, the Court also **ORDERS** the parties to further brief rog 20 in
13 that letter brief. The Court **DENIES** the motion to compel as to rog 23 because it is not
14 sufficiently focused on judgment debtor discovery and is invasive of privacy.

15 **IT IS SO ORDERED.**

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17 Dated: August 28, 2023

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20 THOMAS S. HIXSON
21 United States Magistrate Judge
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